

FEDERAL RULES OF APPELLATE PROCEDURE

must be returned to the court or agency from which they were received. The clerk must preserve a copy of any brief, appendix, or other paper that has been filed.

Rule 46. Attorneys**(a) Admission to the Bar.**

- (1) **Eligibility.** An attorney is eligible for admission to the bar of a court of appeals if that attorney is of good moral and professional character and is admitted to practice before the Supreme Court of the United States, the highest court of a state, another United States court of appeals, or a United States district court (including the district courts for Guam, the Northern Mariana Islands, and the Virgin Islands).
- (2) **Application.** An applicant must file an application for admission, on a form approved by the court that contains the applicant's personal statement showing eligibility for membership. The applicant must subscribe to the following oath or affirmation:

“I, _____, do solemnly swear [or affirm] that I will conduct myself as an attorney and counselor of this court, uprightly and according to law; and that I will support the Constitution of the United States.”

- (3) **Admission Procedures.** On written or oral motion of a member of the court's bar, the court will act on the application. An applicant may be admitted by oral motion in open court. But, unless the court orders otherwise, an applicant need not appear before the court to be admitted. Upon admission, an applicant must pay the clerk the fee prescribed by local rule or court order.

(b) Suspension or Disbarment.

- (1) **Standard.** A member of the court's bar is subject to suspension or disbarment by the court if the member:
 - (A) has been suspended or disbarred from practice in any other court; or
 - (B) is guilty of conduct unbecoming a member of the court's bar.
- (2) **Procedure.** The member must be given an opportunity to show good cause, within the time prescribed by the court, why the member should not be suspended or disbarred.

FEDERAL CIRCUIT RULE

Rule 46. Attorneys

(a) Eligibility. An attorney is eligible for admission to the bar of this court if that attorney is of good moral and professional character and is admitted to practice before and of good standing in:

- (1) any of the courts listed in Federal Rule of Appellate Procedure 46(a);
- (2) the United States Court of International Trade;
- (3) the United States Court of Federal Claims;
- (4) the United States Court of Appeals for Veterans Claims; or
- (5) the District of Columbia Court of Appeals.

(b) Procedure for Admission.

- (1) **Motion in Open Court.** An attorney may be admitted to the bar in open court by appearing personally with a sponsor who is a member of the bar of this court and who states the applicant's qualifications and moves the admission. Motions for admission to the bar will be entertained at the opening of each session of court.
- (2) **Written Motion by Member of the Court's Bar.** An attorney may be admitted on written motion of a member of the bar of the court who states the applicant's qualifications.
- (3) **Written Motion by Attorney.** An attorney may be admitted on that attorney's own motion, accompanied by a certificate of good standing from a court listed in Federal Rule of Appellate Procedure 46(a) or Federal Circuit Rule 46(a). The certificate must be dated within 30 days of the motion for admission and must bear the seal of the issuing court. A written motion for admission must be submitted on a form approved by this court. The clerk will furnish the form.
- (4) **Oath.** Each attorney admitted to the bar of this court must take an oath prescribed by the court.

(c) Admission Fee. The fee for admission to the bar of the court is \$25, payable to the clerk, for which the applicant will receive a certificate of admission. For a duplicate certificate, the fee is \$10. The clerk as custodian will deposit the fee in a special account designated by the court.

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- (3) **Order.** The court must enter an appropriate order after the member responds and a hearing is held, if requested, or after the time prescribed for a response expires, if no response is made.
- (c) **Discipline.** A court of appeals may discipline an attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with any court rule. First, however, the court must afford the attorney reasonable notice, an opportunity to show cause to the contrary, and, if requested, a hearing.

Rule 47. Local Rules by Courts of Appeals**(a) Local Rules.**

- (1) Each court of appeals acting by a majority of its judges in regular active service may, after giving appropriate public notice and opportunity for comment, make and amend rules governing its practice. A generally applicable direction to parties or lawyers regarding practice before a court must be in a local rule rather than an internal operating procedure or standing order. A local rule must be consistent with — but not duplicative of — Acts of Congress and rules adopted under 28 U.S.C. § 2072 and must conform to any uniform numbering system prescribed by the Judicial Conference of the United States. Each circuit clerk must send the Administrative Office of the United States Courts a copy of each local rule and internal operating procedure when it is promulgated or amended.
- (2) A local rule imposing a requirement of form must not be enforced in a manner that causes a party to lose rights because of a nonwillful failure to comply with the requirement.
- (b) **Procedure When There Is No Controlling Law.** A court of appeals may regulate practice in a particular case in any manner consistent with federal law, these rules, and local rules of the circuit. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local circuit rules unless the alleged violator has been furnished in the particular case with actual notice of the requirement.

FEDERAL CIRCUIT RULE

- (d) **Government Attorney.** An attorney for any federal, state, or local government office or agency may appear before this court in connection with that attorney's official duties without formal admission to the bar of the court.
- (e) **Change of Name, Address, or Telephone Number.** An attorney admitted to the bar of this court must promptly notify the clerk of a change of name, address, or telephone number.
- (f) **Disciplinary Action.** Disciplinary action against an attorney will be conducted in accordance with the Federal Circuit Attorney Discipline Rules.